

**SECRET**

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23 February 1951

Office of General Counsel

Allowance for Dependents

*Focus*

1. This is in answer to your memorandum of 19 February 1951, regarding the entitlement of an employee to a separation allowance for his child.

2. It is our understanding that the employee is divorced from his wife, although the court did not specifically grant custody to either the mother or the father. A statement from the employee's lawyer states that the employee "is nevertheless under the law of this state as the father of said minor child, legally responsible for its support and likewise entitled to the custody of said child inasmuch as this right of custody is not a matter determined in the divorce proceedings." The purpose of a separation allowance, as indicated in Section 7.1 of the Standardized Allowance Regulations, is as quoted in pertinent part: "to meet the additional expense of maintaining minor children in the country of assignment." In the absence of clear proof that the employee will incur such additional expense in the maintenance of his child, it would not appear that a separation allowance could be properly authorized in this situation.

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 Memo 2-12-51 to

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cc: Subject  
 Chrono  
 Legal Decisions  
 Vital Documents.

*Subject copy in Focus file.*

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OGC HAS REVIEWED.